

PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Office of Program Litigation, Office 7  
CASPAR CHAN, CSBN 294804  
Special Assistant United States Attorney  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235  
Telephone: 510-970-4810  
Facsimile: 415-744-0134  
Email: Caspar.Chan@ssa.gov  
Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

STACEY HAYWARD,  
Plaintiff,  
v.

MARTIN O'MALLEY,  
Commissioner of Social Security,<sup>1</sup>  
Defendant.

Civil No. 2:23-cv-02197-CKD

**STIPULATION AND ORDER TO EXTEND  
BRIEFING SCHEDULE**

---

<sup>1</sup> Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

The parties stipulate through counsel that Defendant, the Commissioner of Social Security (the “Commissioner”), shall have an extension of 30 days to respond to Plaintiff’s Motion for Summary Judgment in this case. In support of this request, the Commissioner respectfully states as follows:

1. The Commissioner’s response to Plaintiff’s Motion for Summary Judgment is due February 5, 2024. Defendant has not previously received an extension of this deadline.

2. Counsel for the Commissioner is in the process of consulting with his client about the defensibility of this matter. Counsel for the Commissioner believes that this short extension may resolve this matter without necessitating this Court to address the merits of this matter. Moreover, this brief extension would conserve judicial time and resources should the Parties be able to resolve this matter.

3. Counsel for the Commissioner has consulted with Plaintiff’s counsel who advised that he has no objections.

4. This request is made in good faith and is not intended to unnecessarily delay the proceedings in this matter.

WHEREFORE, Defendant requests until March 6, 2024, to respond to Plaintiff’s Motion for Summary Judgment.

Date: February 7, 2024

LAW OFFICES OF FRANCESCO BENAVIDES

By: /s/ Caspar Chan for Francesco Benavides \*  
FRANCESCO BENAVIDES  
\*Authorized by email on February 7, 2024  
Attorneys for Plaintiff

Date: February 7, 2024

PHILIP A. TALBERT  
United States Attorney  
Eastern District of California

///

///

///

///

///

///

///

1 By: /s/ Caspar Chan  
2 CASPAR CHAN  
3 Special Assistant United States Attorney  
4 Attorneys for Defendant  
5

6 ORDER

7 APPROVED AND SO ORDERED.  
8

9 Dated: February 7, 2024

10   
11 CAROLYN K. DELANEY  
12 UNITED STATES MAGISTRATE JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28